

IN RE: PETITION FOR ZONING VARIANCE  
S/S Glen Falls Road, 800' +/- W  
of the c/l of Hanover Pike  
(5319 Glen Falls Road)  
4th Election District  
3rd Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY

\* Case No. 93-227-A

Francis M. Coppersmith, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Francis M. and Phyllis K. Coppersmith. The Petitioners request relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 19.5 feet in lieu of the permitted 15 feet for an existing barn in accordance with Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition was Francis M. Coppersmith, co-owner of the subject property. Mr. Coppersmith owns this tract jointly with his wife, Phyllis K. Coppersmith. Also appearing on behalf of the Petition was A. L. Snyder, Registered Property Line Surveyor who prepared the plat to accompany the subject Petition. There were no Protestants present at the hearing.

Testimony indicated that the subject property, known as 5319 Glen Falls Road, consists of 6.3445 acres, more or less, zoned R.C. 2 and is improved with a 2.5 story dwelling in which the Petitioners reside. The Petitioners are desirous of subdividing the property to create two parcels. Lot 1 would be comprised of 2.4484 acres and contain the existing improvements, including the subject barn and several other outbuildings and shed. Proposed Lot 2 would contain the remaining 3.8960 acres, more or less. The Coppersmiths anticipate selling proposed Lot 2 to their son for the con-

struction thereon of a single family dwelling. During the subdivision process, the height of the existing barn was noted by staff at Baltimore County who advised the Petitioners of the need for the requested variance.

Mr. Coppersmith testified that the subject barn has existed in its present location for many years, possibly as far back as the 1920s. He has owned the property since 1962. He also testified that the barn is used for storage and that no new construction is contemplated. Mr. Coppersmith and Mr. Snyder both indicated that reduction of the barn's height would constitute a significant practical difficulty on the property owner. Clearly, reduction of this barn's height could compromise its structural integrity.

As with any Petition for Zoning Variance, the Petitioner must comply with Section 307 of the B.C.Z.R. in order for the variance to be approved. In fact, the Petitioner has submitted compelling evidence and testimony that practical difficulty will result if the variance is not granted. Further, there is no evidence in the record that the granting of this variance will result in any detrimental effect upon the surrounding locale. Clearly, this is a rural location and the barn is well set back from Glen Falls Road and adjacent properties. There is no doubt that an approval of this variance is warranted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of February, 1993 that the Petition for Zoning Variance requesting relief from Section 400.3 of the Baltimore County

Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 19.5 feet in lieu of the permitted 15 feet for an existing barn, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The barn shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 1/13/93  
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/13/93  
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/13/93  
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/13/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

February 24, 1993

(410) 887-4386

Mr. & Mrs. Francis M. Coppersmith  
5319 Glen Falls Road  
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE  
S/S Glen Falls Road, 800' +/- W of the c/l of Hanover Pike  
(5319 Glen Falls Road)  
4th Election District - 3rd Councilmanic District  
Francis M. Coppersmith, et ux - Petitioners  
Case No. 93-227-A

Dear Mr. & Mrs. Coppersmith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

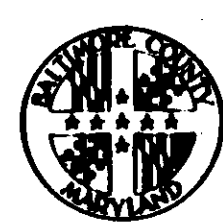
Very truly yours,

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

File



## Petition for Variance

93-227-A  
to the Zoning Commissioner of Baltimore County  
for the property located at #5319 Glen Falls Road  
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 To allow a height of 19.5 feet in lieu of the required 15 feet for the barn. The barn would be on the proposed Lot 1 which has an area of 2.4484 Acres.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The barn is an important part of the existing site and is in constant use as a storage structure.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and we are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser, Name

(Type or Print Name)

Signature

Address

City

State

Postcode

Address

City

State

Postcode

(We do solemnly declare and affirm, under the penalties of perjury, that there are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

Francis M. Coppersmith

[Signature]

Phyllis K. Coppersmith

[Signature]

5319 Glen Falls Road 833-3449

Reisterstown MD 21136

City, Address and phone number of legal owner, contact purchaser or representative to be contacted.

Francis M. Coppersmith

[Signature]

5319 Glen Falls Road 833-3449

Reisterstown MD 21136

City, Address and phone number of legal owner, contact purchaser or representative to be contacted.

Estimated length of hearing

Not less than 15 minutes

Not more than 30 minutes

RECEIVED BY: [Signature] DATE: 1-13-93

ITEM # 236

A. L. Snyder  
Surveyor, Inc.  
1911 Hanover Pike  
Hampstead, Maryland 21074  
(410) 239-7744 (410) 374-9695

#### Description to Accompany Zoning Petition

5319 Glen Falls Road

December 28, 1992

Beginning for the same on the south side of Glen Falls Road 800 feet west of Hanover Pike (MD Rte No. 30) and running thence,

- 1.) S 2° 21' 20" W 568.34 feet,
- 2.) N 89° 17' 49" W 595.55 feet,
- 3.) N 13° 19' 14" E 330.33 feet,
- 4.) N 0° 13' 59" W 54.20 feet,
- 5.) S 88° 04' 43" E 200.64 feet,
- 6.) N 0° 13' 45" W 202.17 feet,
- 7.) S 88° 14' 36" E 343.43 feet to the place of beginning.

Containing 6.3445 Acres of land, more or less.

Being all that lot or parcel of land conveyed by G. C. Rimbey to Francis M. Coppersmith and Phyllis K. Coppersmith, his wife by deed dated September 18, 1962 and recorded among the Land Records of Baltimore County, Maryland in Liber W.J.R. 4046 folio 110 etc.

93-227-A

ITEM # 236

MEMBER Md Soc of Surveyors • W Va Assoc of Land Surveyors • A.C.S.M. •

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 4th Date of Posting 1/28/93  
Posted for: Variance  
Petitioner: Francis M. Coppersmith & Phyllis K. Coppersmith  
Location of property: 45 (5319) Glen Falls Rd., 200' W of Hanover Pike  
Location of Sign: Being Roadway on property of Petitioner  
Remarks:  
Posted by: [Signature] Date of return: 1/28/93  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/28, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/28, 1993

THE JEFFERSONIAN,

S. Zebe Orlow  
Publisher

receipt

Baltimore County  
Zoning Administration &  
Development Management

1/13/93 H9300296

PUBLIC HEARING FEES  
010 -ZONING VARIANCE (IRL) 1 X \$50.00

TOTAL: \$50.00

LAST NAME OF OWNER: COPPERSMITH

04A04H0031HCHRC \$50.00  
BA C002128PM01-13-93  
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County  
Zoning Administration &  
Development Management

Account: R 0614190  
Number  
Date

93-227  
H/D 2-17

04A04H0031HCHRC \$70.44  
BA C001498PM02-12-93  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 2-2-93

Francis and Phyllis Coppersmith  
5319 Glen Falls Road  
Reisterstown, MD 21136

RE: CASE NUMBER: 93-227-A (Item 236)  
S/S Glen Falls Road, 800' +/- W of c/l Hanover Pike  
5319 Glen Falls Road  
4th Election District - 3rd Councilmanic  
Petitioner(s): Francis M. Coppersmith and Phyllis K. Coppersmith  
HEARING: TUESDAY, FEBRUARY 16, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 68.75 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon  
DIRECTOR

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 JUL 22 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-227-A (Item 236)  
S/S Glen Falls Road, 800' +/- W of c/l Hanover Pike  
5319 Glen Falls Road  
4th Election District - 3rd Councilmanic  
Petitioner(s): Francis M. Coppersmith and Phyllis K. Coppersmith  
HEARING: TUESDAY, FEBRUARY 16, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to allow a height of 19.5 feet in lieu of the required 15 feet for the barn.

Arnold Jablon  
Director

cc: Francis and Phyllis Coppersmith

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 February 9, 1993 (410) 887-3353

Mr. and Mrs. Francis M. Coppersmith  
5319 Glen Falls Road  
Reisterstown, MD 21136

RE: Case No. 93-227-A, Item No. 236  
Petitioner: Francis M. Coppersmith, et ux  
Petition for Variance

Dear Mr. and Mrs. Coppersmith:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 13, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: [Signature] Date: 2/1/93

Project Name: Waiver Number: Zoning Issue: Meeting Date:

File Number: Francis M. and Phyllis K. Coppersmith 236 1-25-93 NC

John W. Armacost, Jr., Trustee 237 NC

Michael I. and Gail G. Brooks 238 NC

Steven E. Meconi 242 NC

Richard P. and Lenore E. Koors 243 NC

Charles H. and Beatrice G. Payne 244 Comment

Carl T. and Edward V. Julio 245 NC

COUNT 9 251 NC

Stonegate at Patapsco (Aerial Property) 6-1-92

ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

FINAL TOTALS  
COUNT 20

\*\*\* END OF REPORT \*\*\*

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Assistant for

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: 93-227-A (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
for Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7565 Baltimore Metro - 568-0481 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
787 North Calvert St., Baltimore, Maryland 21203-6717

DPZ/Strategic Planning (Design Review Section)  
Development Review Committee Response Form  
Authorized Signature: [Signature] Date: 01/27/93

Project Name: Waiver Number: Zoning Issue: Meeting Date:

File Number: Connelly Funeral Home 230 Comment 1-19-93

Orville M. Jones 231 NC

Louis A. Slavotinek 232 NC

Jack J. Basel 234 NC

COUNT 10

G & R No. 3, Inc. 233 Comment 1-25-93

Congregation Darchei Tzedek, Inc. 235

Francis M. and Phyllis K. Coppersmith 236 NC

John W. Armacost, Jr., Trustee 237 NC

Michael I. and Gail G. Brooks 238 NC

Steven E. Meconi 242 NC

Richard P. and Lenore E. Koors 243 NC

Charles H. and Beatrice G. Payne 245 Comment

Carl T. and Edward V. Julio 246

COUNT 9 251 W/C

Stonegate at Patapsco (Aerial Property) 6-1-92

ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

FINAL TOTALS  
COUNT 20

\*\*\* END OF REPORT \*\*\*

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: [Signature] Date: 2/1/93

Project Name: Waiver Number: Zoning Issue: Meeting Date:

File Number: Francis M. and Phyllis K. Coppersmith 236 N/C 1-25-93

John W. Armacost, Jr., Trustee 237 N/C

Michael I. and Gail G. Brooks 238 N/C

Steven E. Meconi 242 N/C

Richard P. and Lenore E. Koors 243 N/C

Charles H. and Beatrice G. Payne 244 W/C

Carl T. and Edward V. Julio 245 N/C

COUNT 9 251 W/C

Stonegate at Patapsco (Aerial Property) 6-1-92

ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

FINAL TOTALS  
COUNT 20

\*\*\* END OF REPORT \*\*\*





700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

JANUARY 25, 1993

(110) 887-4500

Arnold Jaffon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: FRANCIS P. COPPERSMITH AND PHILLIS F. COPPERSMITH

Location: #5319 CLEN PALIS ROAD

Item No.: 236 (RT) Zoning Agenda: JANUARY 25, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]  
Planning Clerk  
Special Inspection Division

JE/BER

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

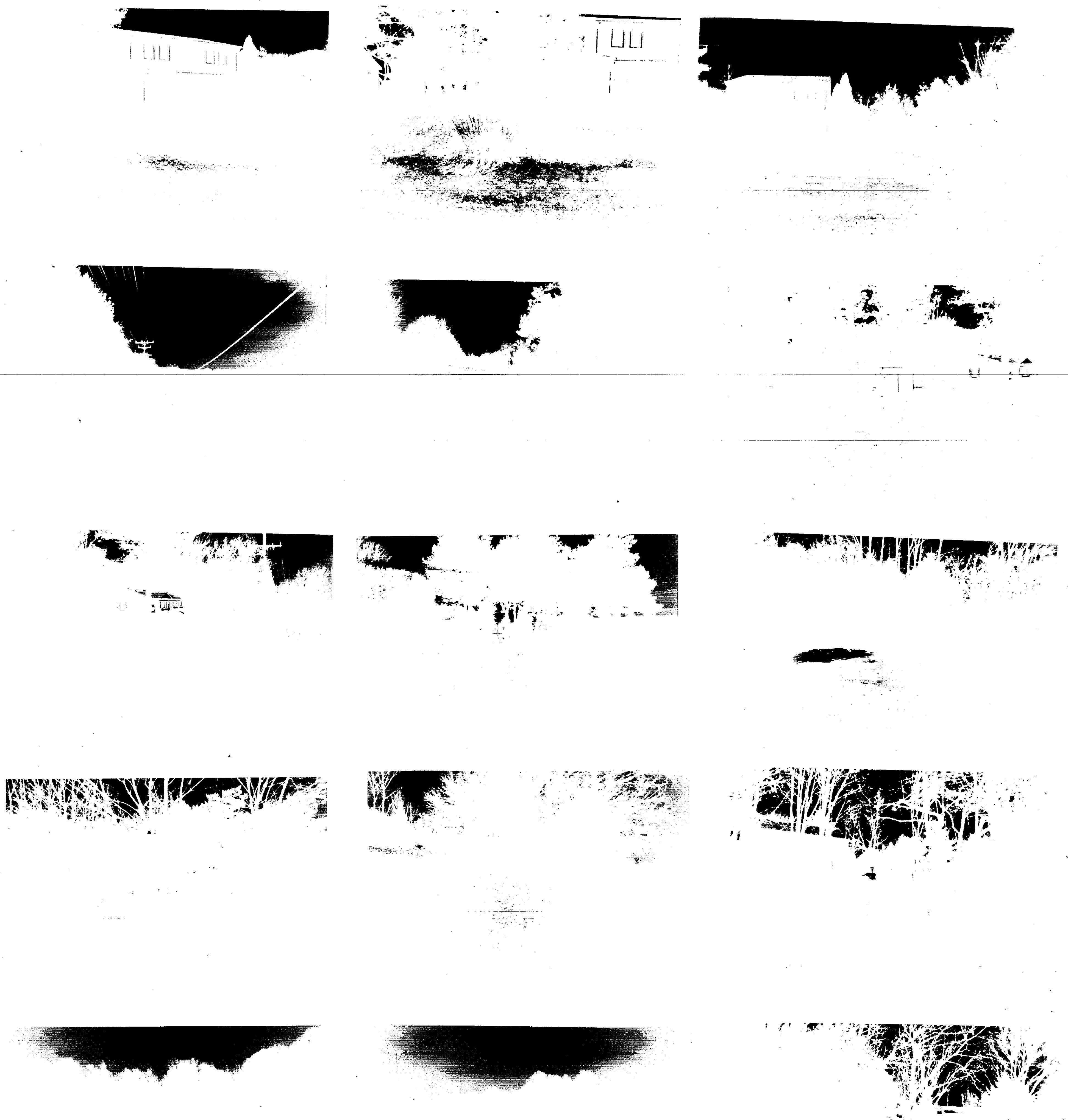
NAME

ADDRESS

Ray [Signature]  
Francis P. Coppersmith

N.L. Singer 1911 Harmon Pike  
5319 Glen Palis Rd. H. Baltimore  
Reurhuth Paul 21206

5









93-227-A

SCALE  
1" = 200'

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

WOODENSBURG

SHEET

N W

19-K

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200'

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

WOODENSBURG

SHEET

N W

19-K

93-227-A